

**REMARKS**

In accordance with the foregoing, claims 5, 18 and 21 have been amended to clarify the subject matter thereof (support for which can be found at least in FIGs. 8 and 9 and the corresponding description in the specification as filed), claims 1-4, 16-17, 20, and 25-26 have been canceled without prejudice or disclaimer, and claims 5-7, 18-19, 21-24 and 27-30 are pending and under consideration. No new matter is presented in this Amendment.

**DOUBLE PATENTING REJECTIONS:**

Claims 1-7 and 18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application Serial No. 10/921,256. Since claims 1-7 and 18 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. As such, it is respectfully requested that Applicants be allowed to address any provisional double patenting issues remaining once the rejection of the claims under 35 U.S.C. § 102 and 35 U.S.C. § 103 are resolved.

Claims 1-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 6 and 7 of copending Application Serial No. 11/435,872. Since claims 1-7 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. As such, it is respectfully requested that Applicants be allowed to address any provisional double patenting issues remaining once the rejection of the claims under 35 U.S.C. § 102 and 35 U.S.C. § 103 are resolved.

**REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1-7 and 16-30 are rejected under 35 U.S.C. §102(e) as being anticipated by Jung et al. (U.S. Publication 2005/0108506), hereinafter "Jung." The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of claims 1-4, it is noted that these claims have been cancelled without prejudice or disclaimer, and the rejection thereof is moot.

Regarding the rejection of independent claim 5, it is noted that claim 5, as amended, recites a mainstream arrival time clock used to depacketize the mainstream data and sub audio arrival time clock used to depacketize the sub audio data and is independent of the mainstream arrival time clock. However, our review of Provisional Application No. 60/452,559 (to which Jung claims the benefit of) does not reveal a disclosure of a mainstream arrival time clock used to depacketize the mainstream data and sub audio arrival time clock used to depacketize the sub audio data and is independent of the mainstream arrival time clock. Nor has the Examiner provided any evidence of such disclosure in the Provisional Application No. 60/452,559. Therefore, it is respectfully submitted that Jung cannot rely on March 7, 2003 (the date of filing of the provisional application) as a prior art data for a teaching of a mainstream arrival time clock and a sub audio arrival time clock. Furthermore, the instant application is based on Korean Patent Application Nos. 2003-19684 and 2003-82336, respectively filed on March 28, 2003 and November 19, 2003 in the Korean Intellectual Property Office. Certified copies of the Korean Patent Application Nos. 2003-19684 and 2003-82336 were filed in the United States Patent and Trademark Office as acknowledged by the Examiner on page 1 of the Office Action. Further, enclosed are English translations of Korean Patent Application Nos. 2003-19684 and 2003-82336, along with statements from the translator in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the Applicants have established a date of invention of at least November 19, 2003. MPEP 201.15. In contrast, since Jung has an earliest filing date of February 23, 2004, it is respectfully submitted that Jung does not qualify as prior art under 35 U.S.C. 102(a), (b), (e) or otherwise for a teaching of a mainstream arrival time clock and a sub audio arrival time clock. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Regarding the rejection of claims 6-7, it is noted that these claims depend from claim 5 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 16-17, it is noted that these claims have been cancelled without prejudice or disclaimer, and the rejection thereof is moot.

Regarding the rejection of independent claim 18, it is noted that claim 18, as amended, is allowable for at least similar reasons to those set forth above with reference to claim 1.

Regarding the rejection of claims 19 and 21-24 and 27-30, it is noted that these claims depend from claim 18 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 20 and 26, it is noted that these claims have been cancelled without prejudice or disclaimer, and the rejection thereof is moot.

Regarding the rejection of claim 25, it is noted that this claim has been cancelled without prejudice or disclaimer, and therefore the rejection is moot.

Claims 1, 2, 4, 23-26, 29 and 30 are rejected under 35 U.S.C. §102(e) as being anticipated by Nonomura et al. (U.S. Publication 2003/0108338), hereinafter "Nonomura." The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of claims 1, 2, and 4, it is noted that these claims have been cancelled without prejudice or disclaimer, and the rejection thereof is moot.

Regarding the rejection of claims 23-24, it is noted that these claims depend from claim 22, which is not rejected under 35 U.S.C. §102(e) as being anticipated by Nonomura.

**Therefore, the rejection is improper, and the Applicants respectfully request that the rejection be withdrawn and/or corrected in a non-Final Office Action.** Furthermore, it is noted that claims 25-26 have been cancelled without prejudice or disclaimer, and therefore the rejection is moot.

Regarding the rejection of claims 29 and 30, it is noted that these claims depend from claim 27, which is not rejected under 35 U.S.C. §102(e) as being anticipated by Nonomura.

**Therefore, the rejection is improper, and the Applicants respectfully request that the rejection be withdrawn and/or corrected in a non-Final Office Action.**

#### **REJECTIONS UNDER 35 U.S.C. §103:**

Claims 3, 5, 16-20, 22, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nonomura in view of Boyle (U.S. Publication 2003/0223735). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of claim 3, it is noted that this claim has been cancelled without prejudice or disclaimer, and the rejection thereof is moot.

Regarding the rejection of independent claim 5, it is noted that claim 5 recites "a sub audio reproducing unit to reproduce sub audio data separately added into the mainstream data, using... a sub audio system time clock... independent of the mainstream system time clock." In

contrast, Nonomura discloses one system time clock (STC) to reproduce all data. For example, a same STC is used to reproduce audio still video objects (ASVOB) and audio objects (AOB) in Nonomura (paragraphs [0224] – [0226]). Moreover, Boyle does not cure the deficiencies of Nonomura, as described above. Specifically, Boyle teaches a receiver with only one system time clock (STC). In particular, paragraph [0008], cited by the Examiner, discloses a plurality of STCs used to generate different series of data packets of a transport stream. That is, as the different series of data packets are encoded by different MPEG encoders, each MPEG encoder has a different STC such that the different series are encoded using different STCs. However, a single receiver that receives the different series of data packets uses only one STC (paragraph [0008]). Therefore, the Applicants respectfully submit that Nonomura, in view of Boyle, fails to disclose a clock for sub audio data different from a clock for mainstream data, as recited in claim 5.

Regarding the rejection of claims 16-17, it is noted that these claims have been cancelled without prejudice or disclaimer, and the rejection thereof is moot.

Regarding the rejection of independent claim 18, it is noted that claim 18 recites a reproducing of data using a plurality of counters. Therefore, the Applicants respectfully submit that claim 18 is allowable for at least similar reasons to those provided above with reference to claim 5.

Regarding the rejection of claim 19, it is noted that this claim depends from claim 18 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 20, it is noted that this claim has been cancelled without prejudice or disclaimer, and the rejection thereof is moot.

Regarding the rejection of claim 22, it is noted that this claim depends from claim 21, which is not rejected under 35 U.S.C. §103(a) as being unpatentable over Nonomura in view of Boyle. **Therefore, the rejection is improper, and the Applicants respectfully request that the rejection be withdrawn and/or corrected in a non-Final Office Action.**

Regarding the rejection of claim 28, it is noted that this claim depends from claim 27, which is not rejected under 35 U.S.C. §103(a) as being unpatentable over Nonomura in view of Boyle. **Therefore, the rejection is improper, and the Applicants respectfully request that the rejection be withdrawn and/or corrected in a non-Final Office Action.**

Claims 6, 7, 21 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nonomura and Boyle as applied to claims 3 and 5 above, and further in view of the admitted prior art shown in Figures 1-6 of the present Application. The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of claims 6 and 7, it is noted that these claims depend from claim 5 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 21 and 27, it is noted that these claims depend from claim 18 and are, therefore, allowable for at least the reasons set forth above.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: 7/1/09

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